



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY  
WET 2003-02**

February 12, 2003

David Cassavaugh  
Pilgrim Construction  
PO Box 325  
Deerfield, NH 03031

RE: DES Wetlands File #2003-00209 Bow Lake Rd, Northwood

Dear Mr. Cassavaugh

On January 31, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Northwood Tax Map 210 as Lot 7 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented:

- 1) The banks and channel of Shelburne Brook have been excavated in an area measuring approximately 20 feet wide by 25 feet long.
- 2) Approximately 150 square feet of the bed of Shelburne Brook has been filled with crushed stone in preparation for the installation of a concrete bridge.
- 3) No permit for the excavation or the placement of the stone had been issued.
- 4) Notes on the site plan approved on December 27, 2001 state "Upgrade the existing box culvert by building a bridge outside of any jurisdictional wetland that spans the existing culvert."

In response, you are requested to take the following actions:

- 1) Immediately stabilize the approaches to the crossing with siltation fence and hay bales to prevent further sedimentation to the stream.
- 2) Immediately install a stone check dam in the stream channel to limit downstream turbidity and sedimentation.
- 3) Provide photographs of the erosion control measures outlined in items 1 and 2 to DES to my attention by February 17, 2003.
- 4) Within 30 days of receipt of this letter, submit a completed Standard Dredge and Fill Application for the installation of the bridge to the Town of Northwood for their review. Reference file # 2003-209, to the attention of Frank Richardson, on the application.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Vicki Chase  
Wetlands Bureau  
Department of Environmental Services  
6 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Vicki Chase at (603) 271-4062.

Sincerely,

**COPY**

Mary Ann Tilton  
Senior Enforcement Officer  
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0688 7084

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen Rule, Administrator, DES Legal Unit ✓  
Northwood Conservation Commission  
Northwood Board of Selectmen  
David Killoy, USACOE  
Steven Foley  
Frank Richardson, DES Wetlands Bureau